

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

James Mark Vogel,

Plaintiff,

vs.

ORDER ADOPTING  
REPORT AND RECOMMENDATION

Minnesota Department of  
Corrections; Joan Fabian,  
Commissioner; Collette Morris;  
and James Kaul

Defendants.

Civ. No. 05-2740 (MJD/RLE)

\* \* \* \* \*

Based upon the Findings and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint [Docket No. 1] is dismissed, but without prejudice, for failure to comply with this Court's Order dated December 1, 2005, and for failure to prosecute.
2. That the Plaintiff's Application to proceed in forma pauperis [Docket No. 2] is denied, as moot.

DATED: February 3, 2006

s/ Michael J. Davis  
Michael J. Davis, Judge  
United States District Court